

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE CATTLE ANTITRUST LITIGATION  This document relates to:  ALL CASES	Case No. 19-cv-1222 (JRT/HB)
KENNETH PETERSON, et al.  Plaintiffs,  v.  JBS USA FOOD COMPANY HOLDINGS, et al.  Defendants.	Case No. 19-cv-1129 (JRT/HB)
IN RE DPP BEEF LITIGATION  This document applies to:  ALL CASES	Case No. 20-cv-1319 (JRT/HB)
ERBERT & GERBERT’S, INC.  Plaintiff,  v.  JBS USA FOOD COMPANY HOLDINGS, et al.,  Defendants.	Case No. 20-cv-1414 (JRT/HB)

**DEFENDANTS CARGILL, INCORPORATED AND CARGILL MEAT  
SOLUTIONS CORPORATION’S MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Cargill, Incorporated, and Cargill Meat Solutions Corporation hereby move the

Court for an order dismissing with prejudice the most recently amended complaints in the above-captioned actions:

- The Third Consolidated Amended Class Action Complaint, *In re Cattle Antitrust Litigation*, Case No. 19-cv-1222 (JRT/HB), ECF No. 312;
- The Consumer Indirect Purchaser Plaintiffs' Corrected Third Amended Class Action Complaint, *Peterson, et al., v. JBS S.A., et al.*, Case No. 19-cv-1129 (JRT/HB), ECF No. 256;
- The Direct Purchaser Plaintiffs' Corrected Consolidated Amended Class Action Complaint, *In re DPP Beef Litigation*, Case No. 20-cv-1319 (JRT/HB), ECF No. 158; and
- The Corrected Amended Class Action Complaint, *Erbert & Gerbert's, Inc. v. Cargill, Incorporated, et al.*, Case No. 20-cv-1414 (JRT/HB), ECF No. 125.

The motion is supported by the Memorandum of Law in Support of Cargill, Incorporated and Cargill Meat Solutions Corporation's Motion to Dismiss the Amended Complaints and all of the files, records, and proceedings herein.

Dated: February 18, 2021

/s/ X. Kevin Zhao

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